

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:18-CV-368-BO

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| SHANA LIGHTFOOT, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| |) | |
| SOCIAL SECURITY, |) | |
| Defendant. |) | |

This cause comes before the Court on the memorandum and recommendation by United States Magistrate Judge Robert B. Jones, Jr. [DE 4]. No objections to the memorandum and recommendation have been filed, and the matter is ripe for review.

BACKGROUND

This action was instituted by plaintiff Shana Lightfoot against the United States Social Security Administration on July 23, 2018. Plaintiff, proceeding *pro se*, states that she has “been denied by Social Security” and is seeking to “reinstate [her] benefits and [her] back pay.” [DE 5-2]. Plaintiff applied to proceed *in forma pauperis* under 28 U.S.C. § 1915. In order to proceed *in forma pauperis*, plaintiff must prove that she has exhausted her administrative remedies. Accordingly, on July 27, 2017, Magistrate Judge Jones entered the instant memorandum and recommendation (M&R), recommending that plaintiff be permitted to proceed *in forma pauperis* provided she timely supplements her complaint to indicate whether or not the Commissioner issued a final decision.

DISCUSSION


A district court is required to review de novo those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). “[I]n the absence of a timely filed objection, a district court need not conduct de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

No party has objected to the M&R and the time for doing so has passed. The Court has reviewed the M&R and is satisfied that there is no clear error on the face of the record. Accordingly, the memorandum and recommendation is ADOPTED.

CONCLUSION

The memorandum and recommendation of Magistrate Judge Jones is ADOPTED. Plaintiff is permitted to proceed *in forma pauperis*.

SO ORDERED, this 22 day of September, 2018.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE